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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,868	10/31/2003	James W. Barnwell	87245.1660	9025

7590 08/15/2005

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WASHINGTON, DC 20036

EXAMINER

PHAM, MINH CHAU THI

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 08/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/697,868

Applicant(s)

BARNWELL, JAMES W.

Examiner

Minh-Chau T. Pham

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Frantz (4,692,175).

Frantz teaches a filter for removing liquids from a pressurized gaseous stream comprising a filter element (12) disposed in a body defining an inner chamber (10), a housing having the body disposed in an outer chamber (5), a drain device (36, 38, 39) having an orifice in the inner chamber and the outer chamber for draining the liquids from both the inner chamber and the outer chamber from the filter. Frantz further teaches the drain device comprising a spring loaded (44) ball or valve (40, 42, 45) to open or shut the orifice of the chambers (see details of Fig. 2, col. 2, lines 19-25, col. 4, line 5 through col. 5, line 25). Frantz further teaches a method of filtering liquids from a pressurized gaseous stream comprising the steps of providing a filter element (12) disposed in the inner chamber (10), housing the filter element in a housing and disposed therein an outer chamber (5), draining liquids from both the inner and outer chambers (10, 5) from the filter (12) through a drain device (36, 38, 39) through valves (40, 42, 45) (see details of Fig. 2, col. 2, lines 19-25, col. 4, line 5 through col. 5, line 25).

Response to Arguments

Applicant's arguments filed on June 9, 2005 have been fully considered but they are not persuasive.

Applicant argues that none of the cited prior arts discloses "a filter for or a method of filtering liquids from a pressurized gaseous stream comprising a filter element defining an inner chamber, a housing having an outer chamber, and a drain device having an orifice in the inner chamber and the outer chamber for draining the liquids from both the inner chamber and the outer chamber from the filter". The Examiner now drops all the cited prior arts and newly introduces Frantz as the primary reference under the 102 rejections of claims 1-20 to show a filter for removing liquids from a pressurized gaseous stream comprising a filter element (12) disposed in a body defining an inner chamber (10), a housing having the body disposed in an outer chamber (5), a drain device (36, 38, 39) having an orifice in the inner chamber and the outer chamber for draining the liquids from both the inner chamber and the outer chamber from the filter. Frantz further teaches the drain device comprising a spring loaded (44) ball or valve (40, 42, 45) to open or shut the orifice of the chambers (see details of Fig. 2, col. 2, lines 19-25, col. 4, line 5 through col. 5, line 25). Frantz further teaches a method of filtering liquids from a pressurized gaseous stream comprising the steps of providing a filter element (12) disposed in the inner chamber (10), housing the filter element in a housing and disposed therein an outer chamber (5), draining liquids from both the inner and outer chambers (10, 5) from the filter (12) through a drain device (36, 38, 39) through valves (40, 42, 45) (see details of Fig. 2, col. 2, lines 19-25, col. 4, line 5 through col. 5, line 25), as claimed.

Applicant's arguments with respect to claims 1-20 have been thoroughly considered but are moot in view of the new ground(s) of rejection, as discussed above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau T. Pham whose telephone number is (571) 272-1163. The examiner can normally be reached on Mon/Tues/Thur/Fri 7:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Minh-Chau Pham
Patent Examiner
Art Unit: 1724
August 11, 2005